



Idaho Division of Occupational and Professional Licenses

Brad Little – Governor

Russ Barron – Division Administrator

Idaho Division of Occupational and Professional Licenses

Strategic Plan 2021-2025

The Administrator's Message



The new Division of Occupational and Professional Licenses was created with Governor Little's Executive Order 2020-10 on June 3, 2020. This umbrella organization provides services to 48 Boards, Commissions, and a few Programs. It is a privilege to serve as the Administrator for this Division.

All Boards, Commissions, and Programs provide important services to Idaho professionals, who have an impact on industries. These services contribute to a healthy economy and keep patients, consumers, and the public safe.

Bringing these entities into one organization will result in services being provided more efficiently and effectively. We will continue to align rules and policies where possible, as well as streamline operations.

This reorganization will take a couple of years to complete, and this Strategic Plan will help guide us through the transition and beyond.

We will create a culture built on respect for the individuals performing this important work throughout Idaho and provide exceptional customer service.

A handwritten signature in blue ink that reads "Russell S. Barron". The signature is fluid and cursive.

RUSSELL S. BARRON, MBA CPM
DIVISION ADMINISTRATOR

Division History

In the 2020 Idaho Legislative Session, HB 318 was signed into law codifying two substantial changes:

- Creation of a new Division of Occupational and Professional Licenses from the former Bureau of Occupational Licenses
- Providing the Governor authority to reorganize programs and boards within the Department of Self-Governing Agencies as needed to create an orderly arrangement in the administration of government.

Pursuant to title 67-2601(2)(h), Idaho Code, the Division of Occupational and Professional Licenses exists within the Department of Self-Governing Agencies. On June 3, 2020, Governor Little issued Executive Order 2020-10 reorganizing 11 agencies into one. The 48 Boards and Commissions are organized into the following three sections:

1. Building, Construction, and Real Estate Section
2. Occupational Licenses Section; and
3. Health Professions Section

A fourth section contains administrative functions that are common across the other three sections that have been consolidated for efficiencies.

Executive Order 2020-10 tasked the Division Administrator to establish a plan to coordinate the move of boards assigned to DOPL to a central office location so that Idahoans may access a one-stop shop for state licenses. In addition, Executive Order 2020-10 tasked the Division Administrator to establish a plan to seek efficiencies from the combined organization including, but not limited to, the consolidation of information technology systems across boards where practicable.

In the 2021 Idaho Legislative Session, the restructuring of 11 agencies encompassing 48 Boards and Commissions into DOPL was enshrined into Idaho Code with the signature of three regulatory framework bills:

- SB 1024 – Vesting the division hiring authority in the Division Administrator
- SB 1026 – Changing the statute references of previous self-governing agencies to their new name, the Division of Occupational and Professional Licenses
- SB 1056 – Detailing the duties of the Division Administrator and transitioning all boards and commissions to the ‘Occupational Licenses Fund’

The Executive Order also included instructions regarding a new technology solution that will support functions of all boards from licensing to discipline and everything in between. This technology will create the opportunity to standardize and streamline processes and improve customer interaction as well as create efficiencies in managing the administrative work of the boards.

Strategic Plan 2021-2025 Overview

Mission, Vision, Core Values

- Mission – Consumer protection and public safety
- Vision – Right touch regulation
- Core Values – Quality customer service, Balanced and fair regulation, Integrity, and Respect

Strategic Goal 1 – Lead through transparency and exceptional customer service

- Objective 1.1 – Central office location for the Division
- Objective 1.2 – Optimize licensure technology and align and streamline application processes for simple and fast licensing for Idaho professionals
- Objective 1.3 – Strengthen online opportunity and accessibility for our customers to interact with us by developing a plan for redesigning DOPL’s external website

Strategic Goal 2 – Public protection through consistent enforcement

- Objective 2.1 – Deliver timely resolution of complaints and investigations
- Objective 2.2 – Effective enforcement through accountability mechanisms
- Objective 2.3 – Uphold effective pathways for alternative dispute resolution
- Objective 2.4 – Organize legal services to provide consistent advice and timely enforcement

Strategic Goal 3 – Make recognizable and measurable reform through permissionless innovation

- Objective 3.1 – Prevent the accumulation of costly, ineffective, and outdated regulations through applying zero-based regulation to all the Division rule chapters
- Objective 3.2 – Limit regulatory capture
- Objective 3.3 – Collaborate on statute reform with the Idaho Legislative Occupational and Professional Licensure Review Committee (OPLR) and Interim Occupational Licensing and Certification Laws Committee (OLCL)

Mission

Consumer protection and public safety.

- We are dedicated to protecting consumers and ensuring public safety through appropriate licensing processes and preserving the integrity of the marketplace by promoting a fair and competitive business environment in Idaho.

Outcome-Based Vision

Right touch regulation

- At DOPL, we believe in fostering an Idaho in which consumers and service providers partner, forging common successes. With a sharp focus on streamlining and modernizing processes and enhancing end-to-end customer experiences, we strive to advance an environment and regulatory framework where both businesses and consumers are treated fairly, and the economy thrives. Though the Division makeup of occupational licensing professions is diverse, our shared commitment is unwavering.

Core Values

Quality Customer Service

- We strive to ensure that our customers can clearly see our commitment to delivering accurate, helpful, and timely resources, and help troubleshoot complex problems.

Balanced & Fair Regulation

- We are committed to fairness, evidence-based regulation, and procedural justice. We pride ourselves on our consistent, accurate, and equal treatment of all customers, stakeholders, and employees.

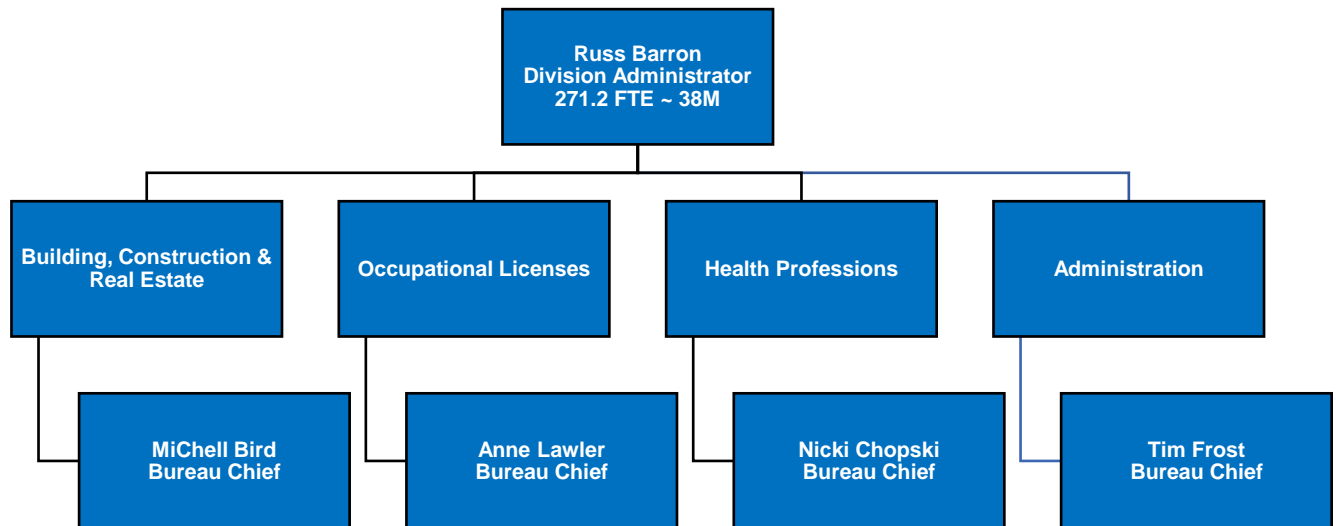
Integrity

- We seek to demonstrate honesty, fairness, openness and clear boundaries in all our interactions, behaviors and practices within the organization and with our guests, stakeholders and the wider community.

Respect

- We appreciate and acknowledge the role and contributions of others. We conduct ourselves in a way that shows regard and thoughtfulness to others.

Organizational Structure



Key External Factors

Shifting economic, political, social and professional climates that are beyond the Division's control may impact the accomplishment of long-range goals and objectives.

- State legislation that alters or significantly impacts the functions of the Boards and Commissions
- Federal law changes that create marketplace confusion or spur the need for corresponding state action
- Advancements in support staff education and training, creating new synergies for all occupational licensing professionals
- Consumer acceptance and demand of new services and business models
- Private accreditation, credentialing, and education services development, availability, and cost
- Industry, company, and facility policies, liability insurance, and other risk mitigation factors that play a role in regulation of an industry
- Civil and criminal law actions regarding regulated individuals and industries
- Professional ethics and self-restraint in practice and services provided
- Economic conditions within the state are dynamic and constantly evolving, and this can lead to unpredictability in the growth of licensees and registrants
- Technology evolution being faster than regulatory agencies can realistically keep up with regarding rulemaking
- Supply and demand of workforce, including workforce shortages
- Impact of COVID-19 and related virus variants on all factors of Division operations and Idahoans
- Interest, engagement, and external influences of stakeholders

Goals, Objectives, and Performance Measures

Goal 1: Lead through transparency and exceptional customer service

Key External Factors – The Success of Goal 1 Depends Upon

- Construction and completion of building 4
- Licensing system vendor's capabilities
- Website vendor's capabilities
- Division employee organization chart implementation

Objective 1.1 – Central office location for the Division

Executive Order 2020-10 tasked the Division administrator to establish a plan to coordinate the move of boards assigned to DOPL to a central office location so that Idahoans may access a one-stop shop for state licenses.

Performance Measures

1.1.1 By July 2022, move all 11 agencies in the Treasure Valley to building 4 on the Chinden Campus

1.1.2 By July 2022, create uniformity and consistency in supervision and processes between the Building, Construction, and Real Estate central office and regional offices

1.1.3 By July 2022, complete assessment of processes within all Bureau's with a focus to harmonize common tasks where applicable

Benchmarks – Once construction on building 4 of the Boise Chinden Campus is complete, we will measure our progress for moving staff who support the Division boards and commissions to the new office space and all leases for other office spaces that were used by Division staff are terminated. We will track the annual financial savings of ending leases and moving to one centralized location. We will establish a uniform format for board meeting agendas, minutes, and board meeting packets to include standardized posting to the public. We will track our progress for Building, Construction, and Real Estate Bureau by establishing year-over-year tracking of targeted items that seek to align supervision and processes between the central office and regional offices.

Objective 1.2 – Optimize licensure technology and align and streamline application processes for simple and fast licensing for Idaho professionals

As new professionals enter our state economy, getting qualified professionals licensed quickly and easily means Idaho is a better place for them to do business. DOPL is actively pursuing process changes to accelerate licensing, and we seek continual improvement of those processes to support economic development and a balanced regulatory framework. In addition, simplifying licensure endorsement allows military families to experience a smoother transition and higher earning potential when they move to our state.

Performance Measures

- 1.2.1** By February 2022, standardize and implement a new plan review submittal and communication processes in the Building, Construction, and Real Estate Bureau
- 1.2.2** By May 2022, issue an RFP for a new licensing system
- 1.2.3** By July 2022, align endorsement applications and licensing processes for veterans, active military and their spouses across all Division boards and commissions
- 1.2.4** By July 2022, create a standardization plan for all board applications and identify statutes and rules that would need changes to implement the standardization
- 1.2.5** By December 2022, outsource all qualifying examinations across all Boards to a standardized exam, national testing provider, or similar third-party administrator.
- 1.2.6** Beginning in FY 2022, annually complete a review of application processes within each board and commission for alignment and optimization including licensure requirements in neighboring states, as well as South Dakota and Alaska.
- 1.2.7** Beginning in FY 2022, annually reduce the total application processing time by 10%
- 1.2.8** By July 2023, transition all licensees and registrants to a 2-year license period and use the licensee's birthday (or) the business' application date to trigger renewal processing
- 1.2.9** By January 2024, implementation of paperless processes for all Division licensing, permitting, plan review, and registration functions.
- 1.2.10** By FY 2025, complete the full implementation of a new licensing system

Benchmarks – We will measure our Division's progress by year-over-year tracking of targeted items that seek to align application and licensure processes, including standardizing all application forms and providing such forms online, standardizing all renewal processes and providing such processes online, and outsourcing all examinations. We will measure the year-over-year total application processing time. We will establish a baseline percentage of processes that are paperless, and track the year-over-year progress for the life of the strategic plan.

Objective 1.3 – Strengthen online opportunity and accessibility for our customers to interact with us by developing a plan for redesigning DOPL's external website

Our website is in many ways the front-end of our organization, and the most effective way for us to reach our rural and out-of-state customers. For these reasons, it's critical that we ensure that the information DOPL provides to the public is easy to navigate. The architecture of DOPL's full site has never been strategically built with the customer experience in mind, so in FY22 we seek to develop a plan to rebuild the site from the ground up, collecting input from users and working with professional resources to ensure that it's as easy as possible for our customers to get what they need quickly.

Performance Measures

1.3.1 By February 2022, the Administration Section will create an online website pathway for customers to provide feedback on the Division transition to the Division administrator, engage in zero-based regulation, and provide written public comment on rulemaking.

1.3.2 By February 2022, the Administration Section will create a branding strategy for the Division, including but not limited to logos, letterhead, communications, signage, and fleet management.

1.3.3 By March 2022, the Administration Section will develop a division or section level professional fee analysis, threshold for fee changes, and guidance document to use as a baseline framework to build future equality in how the Division approaches professional licensing fees.

1.3.4 By January 2023, the Administration Section will transition all former 11 agency websites to one customer-centric website platform.

Benchmarks – We will measure our Division's progress by establishing a baseline fee analysis and track year-over-year fee data to work towards balancing lower fees and an appropriate dedicated fund balance that keeps the Division whole.

Goal 2: Public protection through consistent enforcement

Key External Factors – The Success of Goal 2 Depends Upon

- Construction and completion of building 4
- Peer recovery network vendor capabilities
- Division employee organization chart implementation
- Availability and cost of contracting legal services

Objective 2.1 – Deliver timely resolution of complaints and investigations

Every board and commission within DOPL receives complaints from consumers, guiding our ability to identify and carry out enforcement against individuals or businesses that are out of compliance with Idaho laws and rules. Providing responses to those consumers who file complaints is not only good customer service; it also ensures that we are able to investigate and provide resolution on the matters, effectively responding or removing those regulated entities from the marketplace. We pursue timeliness and consistency in our enforcement approach to complaint research and resolution for investigations.

Performance Measures

2.1.1 By December 2021, implement processes across investigative teams for all bureaus to respond to complainants by end of next business day with the acknowledgement of receipt and status

2.1.2 By December 2021, respond to complainants and respondents within 10 days of final decision on an investigation

2.1.3 By July 2022, develop and implement a consistent Division investigative teams processes across all bureaus for complaint tracking, intake, processing, response, investigation, closure, or administrative action

2.1.4 By 2025, 90% of board and commission investigations resolved within 120 days

Benchmarks – We will measure our progress for all boards and commissions by measuring the number of days that each investigation takes to be resolved, measuring the time it takes for staff to send acknowledgment of receipt and status on each complaint, measuring the number of days for staff to respond to complainants and respondents after the final decision on a complaint. We will develop a baseline analysis of disciplinary processes across the Division to use as the framework to drive consistency and efficiency.

Objective 2.2 – Effective enforcement through accountability mechanisms

As part of DOPL's charge to protect consumers, many boards and commissions are responsible for ensuring that regulated entities are compliant with Idaho laws. We protect the public from predatory practices, protect at-risk communities, and hold perpetrators of fraud accountable.

Performance Measures

2.2.1 Beginning in FY 2022, annually increase percentage of healthcare prescribers meeting the statute mandatory requirement of checking of the prescription drug monitoring program before prescribing controlled substances

2.2.2 Beginning in FY 2022, annually perform inspections for 100% of trade installation code compliance, elevator, drug outlets, dentistry sedation, barbers and cosmetology, and mortician inspections.

2.2.3 By July 2022, 100% of licensees will be notified within 5 business days of plan review results.

2.2.4 By July 2022, the Building, Construction, and Real Estate inspector teams will implement a process to monitor expired permits and enforce compliance for final inspections or extension of permits.

2.2.5 By December 2022, streamline wholesaler reporting to identify and address suspicious drug orders or other inappropriate activity related to controlled substances

Benchmarks – We will measure our Division progress by tracking the annual percentage of inspections completed, measuring the number of days that it takes staff to notify licensees of each plan review result, and measuring the percentage of development and implementation of a process for monitoring and enforcing the trades permit processes. We will work towards a 100% increase in prescriber utilization of the prescription drug monitoring program over the lifetime of the strategic plan, and revamp the processes related to obtaining and tracking of wholesaler reported data.

Objective 2.3 – Uphold effective pathways for alternative dispute resolution

Alternative dispute resolution is usually less formal, less expensive, and less time-consuming than a trial, and includes mediation and conciliation. DOPL looks to utilize alternative dispute resolution where appropriate to decrease the time to resolve a case, reduce legal expenditures and achieve more expedient resolutions.

Performance Measures

2.3.1 By March 2022, develop an analysis and guidance document for Boards and Commissions that outlines legal disciplinary processes, determines where existing processes are at variance with laws and rules, and proposes process improvements that will increase consistency and reduce cost in the use of legal services to support disciplinary enforcement processes.

2.3.2 By July 2022, implement a professional recovery network program for the Board of Medicine, Board of Pharmacy, Board of Dentistry, and Board of Nursing.

2.3.3 By December 2022, Executive Officers provide training to every Board and Commission regarding enforcement options, including confidential options for discipline, to provide optimal pathways for enforcement and dispute resolution.

2.3.4 Beginning in FY 2023, 90% of agency cases will be acted on through informal pathways (e.g. corrective action plans), rather than a public hearing.

2.3.5 By January 2023, investigator teams for each bureau will perform a substance use disorder data analysis for complaints, informal discipline, and final disciplinary action to determine what boards and commissions should be prioritized as a focus for professional recovery network programs.

Benchmarks – We will measure our Division progress tracking the percentage of discipline cases resolved through informal pathways, measuring the percentage of implementation of a new professional recovery program for four healthcare boards, and measuring the percentage of data analysis completed to determine which licensing boards have an immediate need for a professional recovery network program.

Objective 2.4 – Organize legal services to provide consistent advice and timely enforcement

The DOPL boards and commissions receive support from attorneys. Currently, some receive support from inhouse counsel, Deputy Attorney Generals, outside contract counsel, or a combination of the three. Creating a consistent approach to how the DOPL boards and commissions utilize attorneys and creating oversight for these attorneys will result in consistent legal training and advice given to the boards and commissions, consistent enforcement of regulations within and across the various boards and commissions.

Performance Measures

2.4.1 By December 2021, the Administration section will develop a plan for a legal team and create oversight for the attorneys, including assignment of work, supervision of inhouse counsel, and review of the performance and fees billed by the Attorney General's Office or outside counsel

2.4.2 Beginning in FY 2022, 100% of board and commission meetings will include a relevant training or presentation by general counsel to board members. Annually in December, the Administration section will develop and create a general counsel training/presentation plan that is specific to the needs of the Boards and Commissions for each bureau

2.4.3 By March 2022, the Administration section will create a process for retaining outside legal counsel for Division needs, which may include Board support, discipline prosecution, or administrative hearing officers. The process will provide consistent rates for services rendered and expense reimbursement, remove duplication of fees by outside counsel, and require pre-payment review by Division fees and expenses billed

2.4.4 By July 2022, the Administration section will evaluate inhouse support staff, such as paralegals or a legal assistant, and implement changes to support efficient Division legal processes at reduced costs

Benchmarks – We will measure our progress for all boards and commissions by measuring the percentage of completing a legal services plan for the Division, measuring the percentage of completing a process for retaining outside counsel, measuring the percentage of completing an evaluation of legal support staffing needs, and measuring the number of board and commission meetings annually that include legal training for board members.

Goal 3: Make recognizable and measurable reform through permissionless innovation

Key External Factors – The Success of Goal 3 Depends Upon

- Keep the focus on public safety
- Strategic planning meetings to align the Boards and Commissions around direction and framework before getting into the rulemaking or agency legislation details
- Empower division staff to draft new rules or statute language and do not wordsmith in public meetings
- Start with a zero-based regulation model of rulemaking or agency legislation
- Place the burden of proof on those advocating to keep unnecessary regulations
- Not judging policy by personal interests
- Not treating every issue as brand new and learning from the experiences of other professions or jurisdictions

Objective 3.1 – Prevent the accumulation of costly, ineffective, and outdated regulations through applying zero-based regulation to all the Division rule chapters

Though our primary responsibility is to protect the public, we also have a duty to treat the industries we regulate fairly and in a way that doesn't create unnecessary administrative burdens or "red-tape." Permissionless innovation refers to the notion that experimentation with new technologies and business models should generally be permitted by default. Unless a compelling case can be made that a new invention or business model will bring serious harm to individuals, innovation should be allowed to continue unabated and problems, if they develop at all, can be addressed later. We strive to set clear expectations and collaboration with regulated entities so that regulatory processes don't cause unnecessary delays or barriers in their ability to do business.

Performance Measures

3.1.1 By December 2021, the Administration Section will conduct training in the division regulatory philosophy of permissionless innovation and zero-based regulation rulemaking process to all division employees who work with administrative rules

3.1.2 By December of the year preceding a board or commission scheduled to undergo zero-based rulemaking, the Administration Section will conduct board member training in the division regulatory philosophy of permissionless innovation and zero-based regulation administrative rulemaking process

3.1.3 By December of the year preceding a board or commission scheduled to undergo zero-based rulemaking, the Administration Section will complete the required retrospective and prospective analyses for rule chapters scheduled for upcoming review

3.1.4 By December 2025, achieve 30% reduction in total word count, total restrictive words, and total administrative rule chapters through zero-based rulemaking

Benchmarks – We will measure our progress for all boards and commissions in further reducing the regulatory burden by tracking the year-over-year overall number of words in administrative rule chapters, the number of rule chapters, and the number of restrictive words, such as “must,” “shall,” “required,” “prohibited” and “may not.” Year-over-year progress for each board and commission progress will account for a zero-based rulemaking philosophy for any non-scheduled rulemaking such as implementing new legislation or addressing an immediate consumer protection need.

Objective 3.2 – Limit regulatory capture

Because regulatory boards and commissions are of necessity intimately involved in the affairs of a particular industry, the board members and their staff are exposed to strong interest group pressures. Regulatory capture can occur when special interests co-opt regulatory agencies or board members to further their own ends or prevent the inconvenience of competition. We seek to always distinguish between the protection of the profession versus the protection of the consumer in all Division legislation and rulemaking efforts. We recognize regulatory capture in occupational licensing can lead to increased consumer prices, limiting competition, or undermining innovation that could better serve the public.

Performance Measures

3.2.1 By November 2022, the Administration Section will review Idaho Code and administrative rules for all boards and commissions and develop a division wide report to be delivered to the Governor, making specific evidence-based recommendations to reduce regulatory capture among Idaho occupational licensing boards and commissions

3.2.2 Through zero-based regulation, each board and commission will work towards an evidence-based approach to harmonizing professional scope of practice with the education, training, and practice experience of the professionals they regulate – transitioning to a standard of care model for scope of practice, supervision, and delegation

3.2.3 Through zero-based regulation, each board and commission will work towards removing occupational licensing barriers to entry, endorsement, reciprocity, renewal, and reinstatement of the professionals they regulate

3.2.4 Through zero-based regulation, each board and commission will work towards being technology agnostic in education, practice, and supervision

Benchmarks – We will measure our progress for all boards and commissions by year-over-year of tracking targeted items that seek to align board processes and prevent regulatory capture. For example, we will determine and track which professions regulate via standard of care versus bright line regulation. We will measure which professions regulate by board approved processes versus through a marketplace solution for the same process seen in another similar profession. We will track which boards place limitations on the use and function of technology for education, practice, and supervision.

Objective 3.3 – Collaborate on statute reform with the Idaho Legislative Occupational and Professional Licensure Review Committee (OPLR) and Interim Occupational Licensing and Certification Laws Committee (OLCL)

Through SB 1351 (2020) and SB1084 (2021), the Idaho Legislature has created the Occupational and Professional Licensure Review Committee and the framework for both sunrise and sunset reviews for occupational licensing. The new framework for reform allows the Division to partner with the legislature to create a cadenced process that sets specific dates that a board, commission, or function of Division will terminate unless the legislature passes new legislation to continue. So, the “sun sets” on that part of the Division if it is not reauthorized. In fact, the term “sunset legislation” was originally coined in Colorado in the 1970s as a response to problems with regulatory boards, regulatory efficiencies, and government transparency. The sunset review process will generally question the need for regulation to protect the public. If regulation is determined to be needed, the sunset review will look for the least restrictive level of regulation consistent with the public interest and protection. We recognize the value of statute reform and a review process to determine whether restrictions that were once justified on consumer protection grounds, accomplished those goals, or are still needed today. As a regulator, we must be held accountable for our successes and failures, and implementation of a sunset and sunset review process will act as a beneficial feedback loop that produces better results and performance.

Performance Measures

3.3.1 Beginning in FY 2023, annually participate in sunset review process for each Division board and commission practice act on a five-year rotating basis

3.3.2 Beginning in FY 2023, annually partner with the Occupational and Professional Licensure Review Committee on any new sunrise application requesting that a new lawful profession or occupational group that is not licensed become licensed

3.3.3 By March 2023, partner with the Occupational and Professional Licensure Review committee to establish and implement a sunset date on each Division board and commission practice act on a five-year rotating basis

Benchmarks – We will measure our progress for all boards and commissions in further reducing the regulatory burden by tracking the year-over-year overall number of words in Idaho Code, the number of statute sections, the number of advisory boards, and the number of restrictive words, such as “must,” “shall,” “required,” “prohibited”, and “may not.” Year-over-year progress for each board and commission progress will also account for a “zero-based” philosophy approach any non-scheduled sunset reviews such as agency legislation or partnering with stakeholders on non-agency legislation.

Zero-Based Regulation

The 2019 Red Tape Reduction Act (Executive Order 2019-02) required state agencies to review their administrative rules to identify costly, ineffective, duplicative, or outdated regulations. In January 2020, Governor Little repealed Executive Order 2019-02 and issued Executive Order No. 2020-01, Zero-Based Regulation, requiring agencies to justify every regulation they promulgate. Moving forward, every rule chapter in effect will be reviewed by DOPL, according to a staggered, 5-year schedule. About 20% of rule chapters will be reviewed annually. The first group of boards and commissions will begin their Zero-Based Regulation review in fiscal year 2023.